

**AUBURN CITY COUNCIL
SPECIAL SESSION AGENDA**

City Hall, Council Chambers
1225 Lincoln Way, Auburn, CA 95603

July 6, 2009

Special Session 6:00 p.m.

Meeting facilities are accessible to persons with disabilities. Requests for Assistive Listening Devices or other considerations should be made through the City Clerk's Office at (530) 823-4211, Ext. #112

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

1. **Public Comment**

This is the time provided so that persons may speak to the Council on any item not on this agenda. Please make your comments as brief as possible. The Council cannot act on items not included on this agenda; however, the items will be automatically referred to staff.

2. **Reserve Officer Level 1 Designation**

Pages 3 - 8

By **RESOLUTION** establish the position of Designated Level 1 Reserve Police Officer.

PUBLIC HEARING

3. **Weed Abatement Public Protest Hearing**

Pages 9 - 14

- A. Conduct a Public Hearing for the purpose of declaring public nuisance of those properties that have not complied with the Auburn Municipal Code, City Ordinance, Title IX, Chapter 95.03, "Notices to Remove: Default: Removal by City," and
- B. By **RESOLUTION** authorize the Fire Chief to abate those properties that have been posted and notified as a public nuisance, and have not complied with "Notices to Remove."

4. **2009/10 Sewer Assessment to be placed on Placer County Tax Roll**
Pages 15 - 18

- A. Conduct a Public Hearing; and
- B. By **RESOLUTION** authorize the levy of Sewer Service Use Charges for Fiscal Year 2009-10 to be placed on the County of Placer Tax Roll.

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6:

(1) **CONFERENCE WITH LABOR NEGOTIATORS**

Agency Designated Representatives: Robert Richardson, David Mackowick

Employee Group: All Bargaining Units

REPORT OUT OF CLOSED SESSION

ADJOURNMENT

Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, 1225 Lincoln Way, Room 8, Auburn, CA 95603 during normal business hours.



Report to the Auburn City Council

Action Item

2

Agenda Item No.

City Manager Approval

To: Mayor and City Council Members
From: Valerie Harris, Chief of Police
Date: July 6, 2009
Subject: Reserve Officer Level I Designation

The Issue

Should the City Council approve a resolution to formalize the requirements of the Reserve Officer Program to include the position of Designated Level I Reserve within the Auburn Police Department?

Conclusion and Recommendation

Based on our research, Staff is recommending that the City Council approve a resolution that formally approves the requirements of the Reserve Officer Program within the Auburn Police Department. Staff has provided background information that addresses why the resolution should be approved.

Background

Penal Code section 830.6(a)(2) states whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a reserve deputy sheriff, a reserve deputy marshal, a reserve park ranger, a reserve police officer of a regional park district, transit district, community college district, or school district, a reserve harbor or port police officer of a county, city, or district as specified in Section 663.5 of the Harbors and Navigation Code, a reserve officer of a community service district that is authorized under subdivision (h) of Section 61600 of the Government Code to maintain a police department or other police protection, or a reserve officer of a police protection district formed under Part 1 (commencing with Section 20000) of Division 14 of the Health and Safety Code, and is so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, and is assigned to the prevention and detection of crime and the general enforcement of the laws of this state by that authority, the person is a peace officer, if the person qualifies as set forth in paragraph (1) of subdivision (a) of Section 832.6. The authority of a person designated as a peace officer pursuant to this paragraph includes the full powers and duties of a peace officer as provided by Section 830.1. A transit, harbor, or port district reserve police officer, or a city or county reserve peace officer who is not provided with the powers and duties authorized by Section 830.1, has the powers and duties authorized in Section 830.33, or in the case of a reserve park ranger, the powers and duties that are authorized in Section 830.31, or in the case of a reserve housing authority patrol officer, the powers and duties that are authorized in subdivision (d) of Section 830.31, and a school

district reserve police officer or a community college district reserve police officer has the powers and duties authorized in Section 830.32.

The Auburn Reserve Peace Officer Program is composed of members of our community who choose to dedicate a portion of their time to community service by working as part-time employees or volunteers with law enforcement agencies. These officers work with full-time regular officers to provide law enforcement services at the city, county, district and state levels. Approximately 600 law enforcement agencies currently employ nearly 6200 reserve officers in California.

Reserve peace officers may perform a number of general and specialized law enforcement assignments, including but not limited to:

- Uniformed patrol
- Investigations
- Marine/boat patrol
- Search and rescue
- Mounted posse
- Special events
- Translators
- Computer specialists
- Chaplains

Many law enforcement agencies established reserve programs during the Second World War. Since that time, the number of reserve peace officers has increased and their duties and responsibilities have expanded. The legislature has recognized the importance of reserve peace officers and has adopted standards for selection and training, which have enhanced the professionalism of reserve officer programs.

Reserve peace officers are required by the California Commission on Peace Officers Standards and Training (POST) to meet the same selection standards (e.g. personal history investigation and medical and psychological screening) as full-time regular officers.

The Legislature has established three levels of reserve peace officer to provide flexibility to law enforcement agencies. The duties of the different levels of reserve officer are described below:

Level III-Penal Code sections 830.6(a) (1) and 832.6(a) (2)

- Level III reserve officers may perform specified limited support duties, and other duties that are not likely to result in physical arrests, while supervised in the accessible vicinity by a Level I reserve officer or a full-time regular officer. Additionally, Level III reserve officers may transport prisoners without immediate supervision.

Level II-Penal Code sections 830.6(a) (1) and 832.6(a) (2)

- Level II reserve officers may perform general law enforcement assignments while under the immediate supervision of a peace officer who has completed the Regular Basic Course. These officers may also work assignments authorized for Level III reserve officers without immediate supervision.

Level I-Penal Code sections 830.6(a) (1) and 832.6(a) (1)

- Level I reserve officers may work alone and perform the same duties as full-time regular officers. Upon appointment by the Chief of Police, Reserve Police Officers who have qualified as Level I Reserve Police Officers pursuant to the listed California Penal Codes and, in addition, have completed a minimum of 400 working hours, or have comparable experience of five years as a Reserve Police Officer or Reserve Deputy Sheriff in another jurisdiction and one year with the Auburn Police Department, or have a Basic Post Certificate and one year as a Reserve Police Officer or have been a full-time paid Police Officer in the last three years shall have those peace officer powers and duties as provided by Subsection (2) of Subsection (a) of 830.6 of the California Penal Code. Such officers shall be known as "Designated Level I Reserve Police Officers."

The authority of a "designated" Level I reserve includes the full powers and duties of a peace officer as provided by a Penal Code section 830.1. A Level I reserve is "designated" by authority of a city ordinance or a county resolution. [Penal Code section 830.6(a)(2)]

The authority of a "non-designated" Level I reserve shall extend only for the duration of assignment to specific police functions. [Penal Code section 830.6(a)(1)]

Alternatives Available to Council; Implications of Alternatives

1. Proceed with Staff Recommendation
2. Do not proceed with staff recommendation

Fiscal Impact

There will be no fiscal impact at this time. The costs associated with hiring any additional Reserve Officers would be additional expenditures to the city.

The authority of a "designated" Level I reserve includes the full powers and duties of a peace officer as provided by a Penal Code section 830.1. A Level I reserve is designated by authority of a city ordinance or a county resolution. (Penal Code section 830.6(a)(2))

The authority of a "non-designated" Level I reserve shall extend only for the duration of assignment to specific police functions. (Penal Code section 830.6(a)(1))

RESOLUTION ESTABLISHING THE POSITION OF DESIGNATED LEVEL I
RESERVE OFFICER

WHEREAS, on July 6, 2009, the City Council of the City of Auburn adopted a Resolution establishing the position of Designated Level I Reserve Officer; and

WHEREAS, the goals of the policy are to provide the Chief of Police the authority to appoint specific "non designated" Level I Reserve Officers with the title of Designated Level I Reserve Officer; and

WHEREAS, "designated" Level I reserve includes the full powers and duties of a peace officer as provided by a Penal Code section 830.1; and

WHEREAS, the authority of a "non-designated" Level I reserve shall extend only for the duration of assignment to specific police functions. [Penal Code section 830.6(a) (1)]

WHEREAS, a Level I reserve has to be "designated" by authority of a city ordinance or a county resolution. [Penal Code section 830.6(a) (2)]; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Auburn hereby approves establishing the position of Designated Level I Reserve Officer, and authorizes the Police Chief to execute said designation at their will if mandatory requirements are met.

DATED: July 6, 2009

J. M. Holmes, Mayor

ATTEST:

Joseph G. R. Labrie, City Clerk

I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify that the foregoing resolution was duly passed at a regular meeting of the City Council of the City of Auburn held on the 6th day of July 2009 by the following roll vote on roll call:

Ayes:

Noes:

Absent:

Joseph G. R. Labrie, City Clerk



Report to the Auburn City Council

Action Item

3

Agenda Item No.

City Manager's Approval

To: Mayor and City Council Members
From: Mark D'Ambrogi, Fire Chief
Date: July 6, 2009
Subject: Weed Abatement Public Protest Hearing

The Issue

Shall the Council, by resolution, authorize the Fire Chief to perform abatement action on certain properties within the City of Auburn that have been declared a public nuisance?

Conclusion and Recommendation

Conduct a Public Hearing for the purpose of declaring public nuisance of those properties that have not complied with the Auburn Municipal Code, City Ordinance, Title IX, Chapter 95.03, "Notices to Remove: Default: Removal by City". And, by resolution, authorize the Fire Chief to abate those properties that have been posted and notified as a public nuisance, and have not complied with "Notices to Remove".

Background

Attached as "Exhibit A", are listings of properties within the City of Auburn that have been sent "Notices to Destroy" weeds, dry grass, and or rubbish in an effort to reduce fire hazard potential. This is in accordance with the Weed Abatement Program declaring public nuisance upon such properties. Notices have been posted on such properties as well as mailed to listed property owners to destroy and remove such nuisance. At a City Council Meeting held on June 8, 2009, Resolution 09-76 was passed declaring such properties as "Nuisances". Notices to advise the property owners of this July 8, 2006 scheduled Public Hearing of where the order for abatement may occur were also sent out. The purpose of the public hearing is to allow any and all objections from any property owner that has not abated the public nuisance from their property. The Council may override any, all, or none of the

objections at the public hearing and, by resolution, order abatement upon such properties.

The original Resolution, 09-76 stated the date of July 13, 2009 for the Public Hearing; Abatement Order. This date was moved to July 6, 2009 to expedite the process and is well within the required time frames to continue the Weed Abatement process. All properties considered for abatement were notified of the Public Hearing date by way of mail and physical posting by sign.

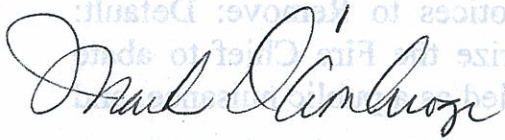
Alternatives Available to Council; Implications of Alternatives

1. Conduct the public hearing and adopt a resolution to authorize abatement;
2. Do not conduct a public hearing to allow protests;
3. Take no action.

A resolution for abatement can only be passed until after such time a public hearing to allow protest has been conducted.

Fiscal Impact

All costs incurred by the City for abatement procedures may be recovered from the property owner(s).



Mark D' Ambrogi
Fire Chief

Attachment: "Exhibit A"

"Exhibit A"
Weed Abatement 2009 Abatement

Street Name	Address	APN
Deerbooke Trail	756	042-407-025-000
Deerbooke Trail	760	042-407-024-000
Elm and Landis		002-053-012-000
High Street	1800	004-360-006-000
High Street	1780	004-360-005-000
High Street	1760	004-360-004-000
High Street	1720	004-360-002-000
High Street	1700	004-360-001-000
High Street	1605	004-100-033-000
High Street	1585	004-100-034-000
High Street	1500	004-100-020-000
Lakeridge Drive	605	042-403-017-000
Lakeridge Drive	648	042-410-065-000
Lupine Lane	10127	042-407-011-000
Maidu and Riverview		055-040-028-000
Maidu and Riverview		055-040-029-000
Maidu and Riverview		055-040-031-000
Miles Court	465	004-360-014-000
Miles Court	420	004-360-008-000
Nevada Street	120	001-143-013-000
Nevada Street	150	001-081-025-000
Nevada Street	116	001-143-012-000
Sunnyslope Way	810	042-407-020-000
Sunrise Ridge Circle	10760	042-380-024-000
Vista Del Lago	1800	055-330-042-000
Vista Del Monte	1760	055-170-026-000

1 ABATEMENT ORDER

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3 July 6, 2009

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5 FOLLOWING THE PUBLIC HEARING HELD July 6, 2009 IN THE MATTER OF
6 RESOLUTION TO ABATE NOXIOUS WEEDS, RUBBISH, AND REFUSE, THE CITY
7 COUNCIL OF THE CITY OF AUBURN, BY MOTION ADOPTED AN ORDER
8 DIRECTING THE ABATEMENT OF THE NUISANCE BY HAVING THE WEEDS,
9 RUBBISH, AND REFUSE REMOVED.
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13 CITY COUNCIL OF THE
14 CITY OF AUBURN

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17 BY
18 J. M. Holmes, MAYOR
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20 ATTEST:

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23 BY
24 JOSEPH G. R. LABRIE, CITY CLERK
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1 STATE OF CALIFORNIA)

2) SS

3 CITY OF AUBURN)

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6 On or before the 6th day of July 2009, as required by the Government Code of
7 the State of California, the owners of each of the properties described in the
8 attached list were notified by United States Mail to destroy noxious or
9 dangerous weeds, of which the annexed is a true copy, and setting the 6th day
10 of July 2009 as the date upon which owners of said property could attend a
11 meeting of the Council of the City of Auburn, when their objections will be
12 heard and given due consideration.
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22 SUBSCRIBED AND SWORN TO BEFORE ME

23 This _____ day of _____, AUBURN

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27 City Clerk
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Appendix "A"

Street Name	Address	APN
Deerbooke Trail	756	042-407-025-000
Deerbooke Trail	760	042-407-024-000
Elm and Landis		002-053-012-000
High Street	1800	004-360-006-000
High Street	1780	004-360-005-000
High Street	1760	004-360-004-000
High Street	1720	004-360-002-000
High Street	1700	004-360-001-000
High Street	1605	004-100-033-000
High Street	1585	004-100-034-000
High Street	1500	004-100-020-000
Lakeridge Drive	605	042-403-017-000
Lakeridge Drive	648	042-410-065-000
Lupine Lane	10127	042-407-011-000
Maidu and Riverview		055-040-028-000
Maidu and Riverview		055-040-029-000
Maidu and Riverview		055-040-031-000
Miles Court	465	004-360-014-000
Miles Court	420	004-360-008-000
Nevada Street	120	001-143-013-000
Nevada Street	150	001-081-025-000
Nevada Street	116	001-143-012-000
Sunnyslope Way	810	042-407-020-000
Sunrise Ridge Circle	10760	042-380-024-000
Vista Del Lago	1800	055-330-042-000
Vista Del Monte	1760	055-170-026-000



Report to the Auburn City Council

Action Item

Agenda Item No. 4

City Manager's Approval

To: Honorable Mayor and City Council
From: Andy Heath, Administrative Services Director
Jack Warren, Director of Public Works
Date: July 6, 2009
Subject: 2009/10 SEWER ASSESSMENT TO BE PLACED ON PLACER COUNTY TAX ROLL

The Issue

Shall the City Council authorize submission of the Sewer Service Use Charges for the 2009/10 fiscal year to Placer County for collection on the annual tax rolls?

Conclusions and Recommendation

Staff recommends that the City Council conduct a **PUBLIC HEARING** and, by **RESOLUTION**, authorize the levy of Sewer Service Use Charges for Fiscal Year 2009-10 to be placed on the County of Placer Tax Roll.

Background

Collection of the majority of City of Auburn Sewer Service Use Charges is accomplished by placing the charges on the County of Placer tax rolls. These charges appear as Tax Code No. 60600 on each separate property tax bill and are collected by the Placer County Tax Collector and subsequently distributed twice each fiscal year to the City.

City of Auburn Municipal Code Section 52.029(B) requires that the City's Director of Administrative Services prepare and file with the City Clerk a written report containing the description of each premises connected to or discharging any sewage into the sanitary sewer system of the City, and the amount of the Sewer Service Use Charge for each premises for the upcoming fiscal year.

Analysis

The Administrative Services Director's report for Fiscal Year 2009-10, which has been available for review in the City Clerk's Office and the Administrative Services Department since June 23, 2009, contains information necessary for the assessment of approximately \$4.33 million in Sewer Service Use Charges. A notice of public hearing was published in accordance with law in the Auburn Journal on June 26, 2009.

Sewer Service Use Charges are set to be assessed in accordance with rates approved by the City Council on June 25, 2007, subsequent to a Proposition 218 noticing requirement that was mailed in April 2007 to property owners regarding rate increases.

Each year the City is required to conduct a public hearing and adopt a resolution authorizing collection of City of Auburn sewer service charges that our annual sewer service charges be placed on the County of Placer Tax Roll.

Alternatives Available to Council; Implications of Alternatives

1. Authorize the levy of Sewer Service Use Charges for Fiscal Year 2009-10 to be placed on the County of Placer Tax Roll.
2. Take no action and direct staff accordingly.

Fiscal Impact

An estimated 4,800 accounts will generate \$4.33 million in Sewer Service Use Charges during Fiscal Year 2009-10.

**THE ADMINISTRATIVE SERVICES DIRECTOR'S REPORT
FOR THE FISCAL YEAR 2009-10 SEWER SERVICE USE
CHARGE ASSESSMENT IS AVAILABLE IN THE CITY
CLERK'S OFFICE, AND THE PUBLIC WORKS AND
ADMINISTRATIVE SERVICES DEPARTMENT FOR REVIEW**

RESOLUTION NO 09-

RESOLUTION ADOPTING AND DETERMINING SEWER SERVICE CHARGES FOR
FISCAL YEAR 2009-10 AND DIRECTING THE COLLECTION OF SUCH CHARGES
ON THE PLACER COUNTY TAX ROLL

WHEREAS, pursuant to Section 5473 of the California Health & Safety Code and Section 52.029 of the Auburn Municipal Code, the City has elected to have its sewer service charges collected on the county tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, the city's general taxes; and

WHEREAS, the Director of Administrative Services has filed with the City Clerk a report (the "Report") containing a description of each parcel of real property receiving sewer service and the amount of the sewer service charges for Fiscal Year 2009-10 for each such parcel; and

WHEREAS, the Report is on file in the Office of the City Clerk, available for public inspection, and incorporated herein by reference; and

WHEREAS, on July 6, 2009, the City Council held a full and fair public hearing at which it considered all objections and protests to the Report; and

WHEREAS, notice of the public hearing was published as required by law.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN DOES
HEREBY RESOLVE:

1. That each of the above recitals is true and correct.
2. That the City Council hereby adopts and determines the charges set forth in the Report and that any protests or objections to such charges are hereby overruled.

1 3. That the City Council authorizes the levy of sewer service charges for
2 Fiscal Year 2009-10 to be placed on the County of Placer Tax Roll.

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4 4. That staff are directed to take all actions necessary to ensure that the
5 charges are transmitted to the County and placed on the Tax Roll.

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7 DATED: July 6, 2009

8 J.M. Holmes, Mayor

9 ATTEST:

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11 Joseph G. R. Labrie, City Clerk

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13 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify that the
14 foregoing resolution was duly passed at a regular meeting of the City Council of the
15 City of Auburn held on the 6th day of July, 2009 by the following vote on roll call:

16 Ayes:

17 Noes:

18 Absent:

19 Joseph G. R. Labrie, City Clerk
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